## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

TAKIA WALTON, DANYLLE

MCHARDY, GEORGE DE LA PAZ JR.,

KEVIN JACOBS and FEIONA DUPREE,

individually and on behalf of all others

similarly situated,

Plaintiffs,

CIVIL ACTION NO. 1:19-cv-04466-LMM

V.

PUBLIX SUPERMARKETS, INC.,

Defendant.

# UNOPPOSED MOTION FOR CONTINUANCE OF DEADLINE TO FILE RESPONSE TO MOTION TO DISMISS

I.

This case concerns a potential collective action under the Fair Labor Standards Act ("FLSA"). Plaintiffs worked as purported deli "managers" for Defendants but performed work that primarily consisted of non-exempt, food preparation tasks. After Plaintiffs filed their Complaint seeking unpaid overtime wages, Defendant filed a Motion to Dismiss on December 6, 2019. (Dkt. No. 29).

Given the Christmas and New Year holidays, Plaintiffs respectfully request a two-week extension of time to respond to Defendant's Motion to Dismiss. Plaintiffs' Counsel has conferred with Counsel for Defendant, and Defendant is unopposed to this request.

II.

Accordingly, Plaintiffs' Counsel requests a two-week continuance of the deadline to file

their Response to Defendant's Motion to Dismiss. If the Court grants this Motion for Continuance, the new deadline will be January 3, 2020. Again, Plaintiffs' Counsel has conferred with Counsel for Defendant and Defendant is unopposed to this motion for continuance.

For these reasons, Plaintiffs respectfully request that the Court grant this Motion for Continuance

Respectfully submitted,

#### THE FOLEY LAW FIRM

By: /s/ Taft L. Foley II Taft L. Foley, II (admitted pro hac vice) Texas Bar No. 24039890 3003 South Loop West, Suite 108 Houston, Texas 77054

Phone: (832) 778-8182

Facsimile: (832) 778-8353 Taft.Foley@thefoleylawfirm.com

AND

By: <u>/s/ Arnold J. Lizana</u>

Law Offices of Arnold J. Lizana III GA Bar No.: 698758 1175 Peachtree Street NE, 10<sup>th</sup> Floor

Atlanta, GA 30361 T: 877-443-0999 F: 877-443-0999

ATTORNEYS FOR PLAINTIFFS

# **CERTIFICATE OF SERVICE**

I certify that on this December 20, 2019, a true and correct copy of the foregoing instrument was filed through the Court's electronic case filing which will serve a copy of this document electronically on all counsel of record.

/s/ Arnold J. Lizana Arnold J. Lizana

### **CERTIFICATE OF CONFERENCE**

I certify that Plaintiffs' Counsel has conferred with Counsel for Defendant and Defendant is unopposed to this Motion for Continuance.

/s/ Arnold J. Lizana Arnold J. Lizana